

REMARKS/ARGUMENTS

Status Of The Claims

This is an Amendment and Reply to the Office Action mailed August 12, 2009, in which the following rejections were set forth: Claims 1-3, 5, 9-16, 18, 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,759,371 issued to Walker et al. ("*Walker*"); and, Claims 4, 6-8, 17 and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 20030177978 A1 of Nobutoh et al. ("*Nobutoh*").

By this response, Claims 1, 9, 10, and 13 have been amended, Claims 3, 15, and 16 have been canceled, and no claims have been added. As such, Claims 1-2, 4-14, and 17-23 are pending in this application.

Priority Document

Applicant has previously provided a certified copy of the priority document, DE 10 2004 003456.7, during the international patent application and herein has attached copies of three supporting documents confirming such: (1) Notification Concerning Submission Or Transmittal Of Priority Document, which was downloaded from the World Intellectual Property Organization's patent database; (2) priority document DE 10 2004 003456.7 along with a confirmation of its timely receipt at the International Bureau, which was downloaded from the World Intellectual Property Organization's patent database; and, (3) a copy of the Notification of Missing Parts noting that the priority document was received, which was downloaded from the U.S. Patent and Trademark Office's PAIR database.

As such, Applicant contends that another certified copy of the priority document is not required to be submitted. If however a copy is still required, Applicant will obtain another certified copy of the priority document and forward it to the Examiner.

Claim Rejections

Walker is directed to a method and circuit to protect against overload in electro coat painting. *Walker* does not teach step b) of amended independent Claim 1 in the meaning of "evaluating." But rather, in *Walker*, a TLC 130 may receive input data such as surface area and/or desired paint film thickness (see col. 7, lines 56 ff.). Obviously, these input data are put in by means of keyboard, and not by means of measured values like numerals 132, 134 in figure 4.

Thus, Applicant asserts that amended Claim 1, and even original Claim 1, is patentable over *Walker*.

In original Claim 3, determining of a surface is accomplished by using the measured maximum starting current which flows through the article at the start of immersion coating (see paragraph 13 of the description). *Walker* in no way discloses this feature, which is now incorporated into amended Claim 1. That is, *Walker* does not take notice of the above mentioned relationship of Applicant's innovation between maximum starting current and article surface.

As such, Applicant asserts that amended Claim 1, as well as all claims ultimately depending thereon, is patentable over *Walker* and respectfully requests that the rejections be removed and the pending claims be allowed to issue.

The above reasoning and amendments similarly apply to amended independent Claim 13. Applicant therefore asserts that amended Claim 13, as well as all claims ultimately depending thereon, is patentable over the relied upon prior art and respectfully requests that the rejections be removed and the claims be allowed to issue.

Referring now to *Nobutoh*, it fails to compensate for the shortcomings of *Walker* to disclose each and every element of Applicant's amended Claims 1 and 13. In particular, *Walker* fails to disclose the measuring of the maximum starting current as a means to determine the surface area of the article. As such, the combination of *Nobutoh* and *Walker* also fails to disclose each and every element of amended independent Claims 1 or 13. Applicant therefore asserts that amended Claims 1 and 13, as well as all claims ultimately depending thereon, are patentable over any combination of the relied upon prior art and respectfully requests that the rejections be removed and the pending claims be allowed to issue.

In summary, none of the relied upon prior art references disclose or suggest the on-line determination of the surface area of the article by utilizing the maximum starting current, as is required by Applicant's claims.

CONCLUSION

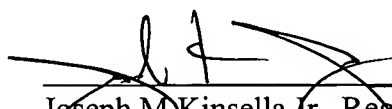
Based upon the above amendments and remarks, Applicant respectfully requests that all claim rejections be removed and that all pending claims be allowed to issue.

Applicant believes that no fees are required with this communication, however if any charges or fees must be paid in connection with this communication, the Commissioner is authorized to deduct such charges or fees from Applicant's Deposit Account No. 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully Submitted,

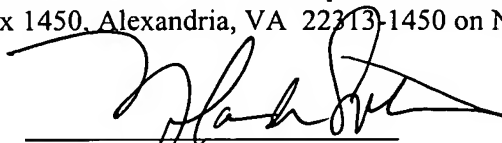
Dated: November 12, 2009



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop—Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 12, 2009.



Yolanda Solis